



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

COOS BAY DISTRICT OFFICE

1300 AIRPORT LANE, NORTH BEND, OR 97459

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1792 (OR-128)
OR128-TS07-30
Broken Wagon DMT Timber Sale
EA # OR128-03-24
Brummit Creek Density Management and Restoration EA

March 26, 2007

Dear Concerned Citizen:

Attached is a copy of the Decision Documentation for the Broken Wagon DMT Timber Sale, OR128-TS07-30. This decision implements portions of the Brummit Creek Density Management and Restoration EA (EA# OR128-03-24). The Broken Wagon DMT Timber Sale is a portion of Alternative 2 (Proposed Action) of the Environmental Assessment. In accordance with Forest Management Regulations at 43 CFR 5003.2, the decision for this timber sale will not become effective until the Notice of Sale is published in a newspaper of general circulation in the area where the lands affected by the decision are located. For this project, the Notice of Sale will be published in *The World* newspaper.

Please direct requests for copies, questions, or comments to Coos Bay District BLM, 1300 Airport Lane, North Bend, OR 97459-2023, ATTN: Chris Sheridan; call 541-756-0100; FAX 541-751-4303, or email to OR_CoosBay_Mail@blm.gov, ATTN: Chris Sheridan.

Sincerely,

Paul T. Flanagan

Paul T. Flanagan
Myrtlewood Field Manger

Attachment:

Decision Document Broken Wagon (30pp)
4 Maps (4pp)



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1792(OR-128)

EA # OR128-03-24

Brummit Creek Density Management and Restoration EA

OR128-TS07-30

Broken Wagon DMT Timber Sale

DECISION DOCUMENTATION

For the

Broken Wagon DMT Timber Sale

Brummit Creek Density Management and Restoration EA

EA # OR128-03-24

Background:

The Broken Wagon DMT Timber Sale (OR128-TS07-30) is a portion of Alternative 2 (the Proposed Action) of the Brummit Creek Density Management and Restoration EA (EA # OR128-03-24) which concluded with a Finding of No Significant Impact (FONSI) dated 1/26/2005. Alternative 2 includes thinning approximately 1,966 acres of young conifer stands in Late Successional Reserve and Riparian Reserve land use allocations, restoring approximately 513 acres of alder-dominated stands to mixed conifer, constructing 4.8 miles of new road, renovating or improving 74.5 miles of existing roads, and decommissioning 50.7 miles of road. The project areas analyzed in the EA are located within Late Successional Reserve and Riparian Reserve land use allocations in:

Sections 13-16, 20-35 of T. 27 S., R.10 W.

Sections 1-12 of T. 28 S., R.10 W.

Sections 19-21, 29-31, 33 of T. 27 S., R. 9 W.

Sections 4-9 of T. 28S., R. 9 W. (Willamette Meridian).

The Broken Wagon DMT Timber Sale would implement density management thinning harvests on 178 acres of conifer-dominated EA units (5, 13, 15, 72, 74, 82) and 126 acres of hardwood conversion, including removal of all red alder and thinning of existing conifers, on 6 hardwood-dominated EA units (4, 7, 17, 12w, 62, 73).

The Broken Wagon DMT Timber Sale would require construction of roughly 1 mile of new road, renovation of roughly 21 miles of existing roads, and improvement of < 0.1 miles of existing road; roughly 3 miles of constructed and existing roads would be decommissioned associated with this timber sale. The Broken Wagon DMT areas to be treated are located within Late Successional Reserve and Riparian Reserve land use allocations in:

Section 33 of T. 27 S., R.9 W.,

Section 33 of T. 27 S., R.10 W.,

Sections 5 and 9 of T. 28 S., R.9 W., and

Sections 1, 5, and 9 of T. 28 S., R.10 W. (Willamette Meridian).¹

¹ Road renovation extends outside of identified sections.

The following tables show the relationship between the Broken Wagon DMT Timber Sale units and the corresponding Brummit Creek Density Management and Restoration EA units, and between timber sale harvest and road work compared to EA harvest and road work.

Table 1 – Comparison of unit numbering and treatment acres for EA and timber sale. DMT is density management thinning of conifer-dominated units; Hwd is hardwood conversion of hardwood-dominated units.

Broken Wagon Unit Number	EA Unit Number	EA Acres	EA Prescription	Actual acres	Actual Acres of hardwood conversion
1	74	24.4	DMT	22	0
2	73	3.7	Hwd	11	11
3	72	79.0	DMT	76	0
4	62	8.3	Hwd	7	7
5	82	21.9	DMT	22	0
6*	15	15.5	DMT	21	0
7	12w, 13	27.2	Hwd, DMT**	33	13
8	4, 5, 7	74.6	Hwd, DMT***	73	56
9	17	40.9	Hwd	39	39

* This contract unit includes a 5 ac. patch initially analyzed for treatment but not described in the final EA (Unit 15s). This patch is described in an attached Addendum to the EA.

** EA unit 12w (roughly 13 ac.) was predicted to receive hardwood conversion; unit 13 (roughly 14 ac.) was predicted to receive DMT. However, prescriptions for both units include direction for cutting all red alder and thinning conifer patches (EA Table 8-4).

*** EA units 4 and 7 (roughly 36 and 20 ac.) were predicted to receive hardwood conversion; unit 5 (roughly 18 ac.) was predicted to receive DMT for all tree species. Prescriptions for units 4 and 7 include direction to cut all red alder and thin conifers (EA Table 8-4).

Table 2 —Comparison of harvest acres and road miles for EA and timber sale. EA estimates of acres of forest treatment and miles of road treatment were developed from GIS coverages used in the original EA. Estimates were predicted to change slightly during implementation (EA # OR128-03-24, pg. 15).

	Density Management (Acres)	Hardwood conversion (Acres)	New Road Construction (Miles)	Road Improvement (Miles)	Road Renovation (Miles)*	Road Maintenance (Miles)**	Road Decommissioning (Miles)***
EA Estimate	173	123	1.23	0.74	20.27	NA	11.2
Timber Sale	178	126	1.32	0.05	20.61	21.77	3.1

* Road renovation associated with this decision includes some road areas not predicted in the EA and drops other road segments from consideration; see below.

** Road maintenance, including brushing of existing roads and replacement of ageing culverts (primarily on or near ridgetop road systems) is covered under BLM's CX OR120-06-02.

*** The EA proposed decommission for roughly 11.2 miles of roads serving the Broken Wagon DMT area. Roughly 6.5 miles of this proposed decommissioning have been completed under a stewardship contract. The Broken Wagon DMT contract would decommission another 3.1 miles of roads directly associated with timber sale units.

Implementation of the Broken Wagon DMT Timber Sale would include several minor changes from the original EA in addition to the changes attributable to acreage estimates, including: 1)

the inclusion of a stand adjacent to Unit 15 in DMT treatment; 2) elimination of EA unit 57w from treatment consideration; and 3) modifications in renovation due to changes in proposed haul routes. Inclusion of the stand area adjacent to Unit 15 (originally EA Unit 15s) is discussed in an addendum to the EA released for public comment February 28, 2007 (described below). Treatment of EA unit 57w was eliminated from the Broken Wagon DMT Timber Sale. It is not commercially feasible to treat EA unit 57w under this sale, although it is within the general sale area; this EA unit may be treated commercially or non-commercially in the future, to meet EA objectives. Changes in proposed haul routes and treatment led to changes in roads to be renovated under the Broken Wagon DMT Timber Sale, although total length of renovation is roughly similar (Table 2). Road renovation in the EA was predicted to include renovation of road 28-9-14.0. Haul was subsequently found to be more favorable on Weaver Ridge Road (28-9-19.0). No additional impacts to any resource would be predicted through changes in renovation, since this renovation would occur along and directly adjacent to an existing rocky, heavily-used transportation corridor. Additionally, elimination of treatment of EA unit 57W eliminated the need for road renovation on road 28-9-17.0.

The EA is tiered to the *Final - Coos Bay District Resource Management Plan and Environmental Impact Statement (RMP)* and its *Record of Decision*, as supplemented and amended, which is in conformance with the *Final Supplemental Environmental Impact Statement on Management of Habitat for the Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl* (i.e. Northwest Forest Plan [NFP]) and its *Record of Decision* as supplemented and amended. The relevant watershed analysis (East Fork Coquille Watershed Analysis, May 2000) recently received a minor revision, and the EA references have been updated to reflect the revised watershed analysis. Additionally, two addenda to the Brummit Creek Density Management and Restoration EA (EA # OR128-03-24) were released for public comment February 28, 2007. These addenda addressed: 1) additional information regarding the abundance, distribution, and function of hardwood communities in the analysis area and at larger spatial scales; and 2) the addition of a small (roughly 5 ac.) treatment area, Unit 15s, described above.

The proposed action is consistent with the National Marine Fisheries Service's March 18, 1997 Biological Opinion and Conference Opinion on activities covered in the Coos Bay District's RMP and the Programmatic Biological and Conference Opinion issued on August 8, 2001. The U.S. Fish and Wildlife Service concurred that the proposed action was not likely to adversely affect wildlife species or critical habitat listed under the Endangered Species Act (Concurrence Letter No. 1-15-05-I-0065). Project design criteria identified during consultation have been incorporated into the proposed action. The portion of the EA being implemented through the Broken Wagon DMT timber sale will have no effect on Essential Fish Habitat, as defined in the Magnuson-Stevens Act. The estimated environmental effects contained in the EA are based on research, professional judgment, and the experience of the interdisciplinary team. No significant adverse impacts are expected on (1) Air Quality, (2) Areas of Critical Environmental Concern, (3) Cultural Resource Values, (4) Prime or Unique Farmland, (5) Flood Plains, (6) Native American Religious Concerns, (7) Hazardous Materials/Solid Waste, (8) Threatened or Endangered Species, (9) Water Quality, (10) Wetlands and Riparian Zones, (11) Wild and Scenic Rivers, (12) Wilderness Values, (13) Noxious Weeds, (14) Port Orford cedar, (15) ACS, (17) Energy production, transmission, or conservation, or (18) Unresolved conflicts concerning alternative uses of available resources.

Public Comments:

The general public was informed of the planned EA through a letter (10/9/2003) to those on the Resource Area's mailing list which included adjacent landowners and the others who had requested scoping notices of timber sale EAs. An announcement was also posted on the District's Internet site, <http://www.blm.gov/or/districts/coosbay/index.php> and in a Legal Notice in The World newspaper 10/14/2003 requesting comments for scoping. The public was informed of the EA and FONSI through a direct notification (1/26/2005) and via a published Legal Notice in The World newspaper (1/28/2005). Four public comments were received. Public comments about the EA generally fell into three categories: 1) items considered in the EA or addressed and covered by the Final-Coos Bay District Resource Management Plan and Environmental Impact Statement and its Record of decision (RMP-ROD) (USDI-BLM, 1995); 2) items beyond the scope of the site specific EA; and 3) issues indicating a need for clarification or elaboration. The ID Team and I determined that none of the issues raised during the comment period warrant a revision to the EA; therefore, the FONSI is still appropriate.

Decision:

It is my decision to implement the Proposed Action Alternative in the Brummit Creek Density Management and Restoration EA (OR128-TS06-31) as it applies to the *Broken Wagon DMT Timber Sale* shown in Table 1 and Table 2. These units will now be referred to as the Broken Wagon DMT Timber Sale (OR128-TS07-30). This action consists of nine units totaling 304 acres.—Approximately one hundred and eighty four (178) acres consist of density management thinning and hardwood conversion in the Late-Successional Reserve LUA one hundred and twenty (126) acres of the sale consist of density management thinning and hardwood conversion in the Riparian Reserve LUA.

Road management activities associated with this timber sale consist of construction of roughly 1.3 miles of new road, renovation of 20.4 miles of existing roads, improvement of 0.05 miles of existing road, and decommissioning of 3.1 miles of roads. Actual lengths of new road construction, improvement and road renovation are roughly comparable to those predicted in the EA (Table 2). Depicted differences in Table 2 represent the difference between GIS estimates of road length and actual lengths. Road alignment (location) and effects would be roughly the same as those analyzed in the EA for these roads, and would be fully within the scope of the EA. Decommissioning associated with the Broken Wagon DMT (roughly 3 miles), in conjunction with decommissioning performed under stewardship contracts (roughly 6.5 miles), would be consistent with estimates for road decommissioning made in the EA.

Roughly 22 miles of road maintenance would be completed within the analysis area to facilitate completion of the project. This maintenance, including brushing of existing roads and replacement of ageing culverts (primarily on or near ridgetop road systems) is covered under BLM's CX OR120-06-02 ("Fiscal Year 2006 Road, Recreation Site, and Wildlife Habitat Site Maintenance"). **Table-2** quantifies changes in the EA estimate for new road construction, road improvement, road renovation, and road maintenance.

This project will enhance and restore structural diversity in young, dense stands through density management and hardwood conversion. Design features include retaining existing snags and downed logs and creating new snags and downed logs. Density management within Riparian Reserves associated with this project will facilitate development of future stand conditions that contribute to meeting the Aquatic Conservation Strategy (ACS) objectives. The project will accomplish needed maintenance and improvement of the transportation network, provide temporary access within the units for harvest activities, and affect the decommissioning of roads

not needed for future management. This project will produce almost 2,655 thousand board feet of timber through trees cut during density management treatments but surplus to habitat needs.

The Bureau of Land Management (BLM) is aware of the August 1, 2005, U.S. District Court order in Northwest Ecosystem Alliance et al. v. Rey et al. which found portions of the *Final Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines* (January, 2004) (EIS) inadequate. Subsequently in that case, on January 9, 2006, the Court ordered:

- set aside the 2004 Record of Decision *To Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines in Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern spotted Owl* (March, 2004) (2004 ROD) and
- reinstate the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines* (January, 2001) (2001 ROD), including any amendments or modifications in effect as of March 21, 2004.

The BLM is also aware of the November 6, 2006, Ninth Circuit Court opinion in Klamath-Siskiyou Wildlands Center et al. v. Boody et al., No. 06-35214 (CV 03-3124, District of Oregon). The court held that the 2001 and 2003 Annual Species Reviews (ASRs) regarding the red tree vole are invalid under the Federal Land Policy and Management Act (FLPMA) and National Environmental Policy Act (NEPA) and concluded that the BLM's Cow Catcher and Cotton Snake timber sales violate federal law.

This court opinion is specifically directed toward the two sales challenged in this lawsuit. The BLM anticipates the case to be remanded to the District Court for an order granting relief in regard to those two sales. At this time, the ASR process itself has not been invalidated, nor have all the changes made by the 2001-2003 ASR processes been vacated or withdrawn, nor have species been reinstated to the Survey and Manage program, except for the red tree vole. The Court has not yet specified what relief, such as an injunction, will be ordered in regard to the Ninth Circuit Court opinion. Injunctions for NEPA violations are common but not automatic.

The development and design of the Broken Wagon DMT Timber Sale make it exempt from the Survey and Manage program, and thus litigation over the Annual Species Review process in Klamath-Siskiyou Wildlands Center et al. v. Boody et al will not affect this project. In Northwest Ecosystem Alliance et al. v. Rey et al the U.S. District Court modified its order on October 11, 2006, amending paragraph three of the January 9, 2006 injunction. This most recent order directs:

"Defendants shall not authorize, allow, or permit to continue any logging or other ground-disturbing activities on projects to which the 2004 ROD applied unless such activities are in compliance with the 2001 ROD (as the 2001 ROD was amended or modified as of March 21, 2004), except that this order will not apply to:

- a. Thinning projects in stands younger than 80 years old;
- b. Replacing culverts on roads that are in use and part of the road system, and removing culverts if the road is temporary or to be decommissioned;
- c. Riparian and stream improvement projects where the riparian work is riparian planting, obtaining material for placing in-stream, and road or trail decommissioning; and where the stream improvement work is the placement large wood, channel and floodplain reconstruction, or removal of channel diversions; and

d. The portions of project involving hazardous fuel treatments where prescribed fire is applied. Any portion of a hazardous fuel treatment project involving commercial logging will remain subject to the survey and management requirements except for thinning of stands younger than 80 years old under subparagraph a. of this paragraph.”

BLM has reexamined the objectives of the Broken Wagon DMT Timber Sale as described in the Brummit Creek Density Management and Restoration EA (pg. 6). All proposed EA units in this timber sale are younger than 80 years old. Thinning associated with this timber sale would meet **exemption a** above. All culvert replacements would be on roads that are in use and part of the road system; culverts on temporary or decommissioned roads would be removed; this work would meet **exemption b** above. On-site Botany surveys did not find nonvascular special status or survey and manage species (based on species included in the 2003 Annual Species Review), nor did they find habitat for vascular special status or survey and manage species that would require surveys. Amendments to the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines* through March 21, 2004 resulted in movement of most wildlife species to the Special Status (SS) Species Program. Surveys for non-listed SS species are discretionary, and the Myrtlewood Resource Area has not performed formal surveys for any non-listed SS species. Surveys have been conducted for marbled murrelets (*Brachyramphus marmoratus*), northern spotted owl (*Strix occidentalis caurina*), bald eagle (*Haliaeetus leucocephalus*) and peregrine falcons (*Falco peregrinus anatum*) within the analysis area.

Hardwood conversion units associated with the Broken Wagon DMT Timber Sale (Table 1) received pre-disturbance surveys compliant with the 2001 *Record of Decision and Standard and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines* (as the 2001 ROD was amended or modified as of March 21, 2004). No S & M Category B, D, E, or F plant species were found or are known to occur within the Broken Wagon DMT action area. There are no species remaining on the Coos Bay District Survey and Manage wildlife list. Hardwood conversion units in the action area do not contain suitable habitat for the red tree vole.

Rationale For Decision:

I am choosing to offer the *Broken Wagon DMT* timber sale for the following reasons:

- It meets the purpose and need for action described in the EA and in the *Final - Coos Bay District Resource Management Plan and Environmental Impact Statement (RMP)* and its *Record of Decision*, as supplemented and amended.
- It is consistent with the RMP objectives and management directions for Late Successional LUA, Riparian Reserve LUA, and roads.
- It is consistent with the Proposed Action (Alternative 2) as described in the EA.
- The No Action alternative fails to address the purpose and need for action and does not meet the management objectives.
- The addendum to the EA relating to hardwood communities in the analysis area makes clear that hardwood conversion associated with this timber sale would not represent a significant impact on the human environment and would be well within the scope of effects considered in the original EA.

Administrative Remedies:

In accordance with Forest Management Regulations at 43 CFR 5003.2, the decision for this timber sale will not become effective until the Notice of Sale is published in a newspaper of

general circulation in the area where the lands affected by the decision are located. For this project, the Notice of Sale will be published in *The World* newspaper.

Decision Recommended by:

<u>Dennis Turowski</u>	<u>3/22/2007</u>	<u>Teresa A. Collier</u>	<u>3/22/2007</u>
Dennis Turowski	Date	Teresa Collier	Date
Natural Resource		Natural Resource	
Staff Administrator		Staff Administrator	

Decision Approved by:

<u>Teresa A. Collier (Acting)</u>	<u>3/22/2007</u>
Paul T. Flanagan	Date
Myrtlewood Field Manager	

Attachment:

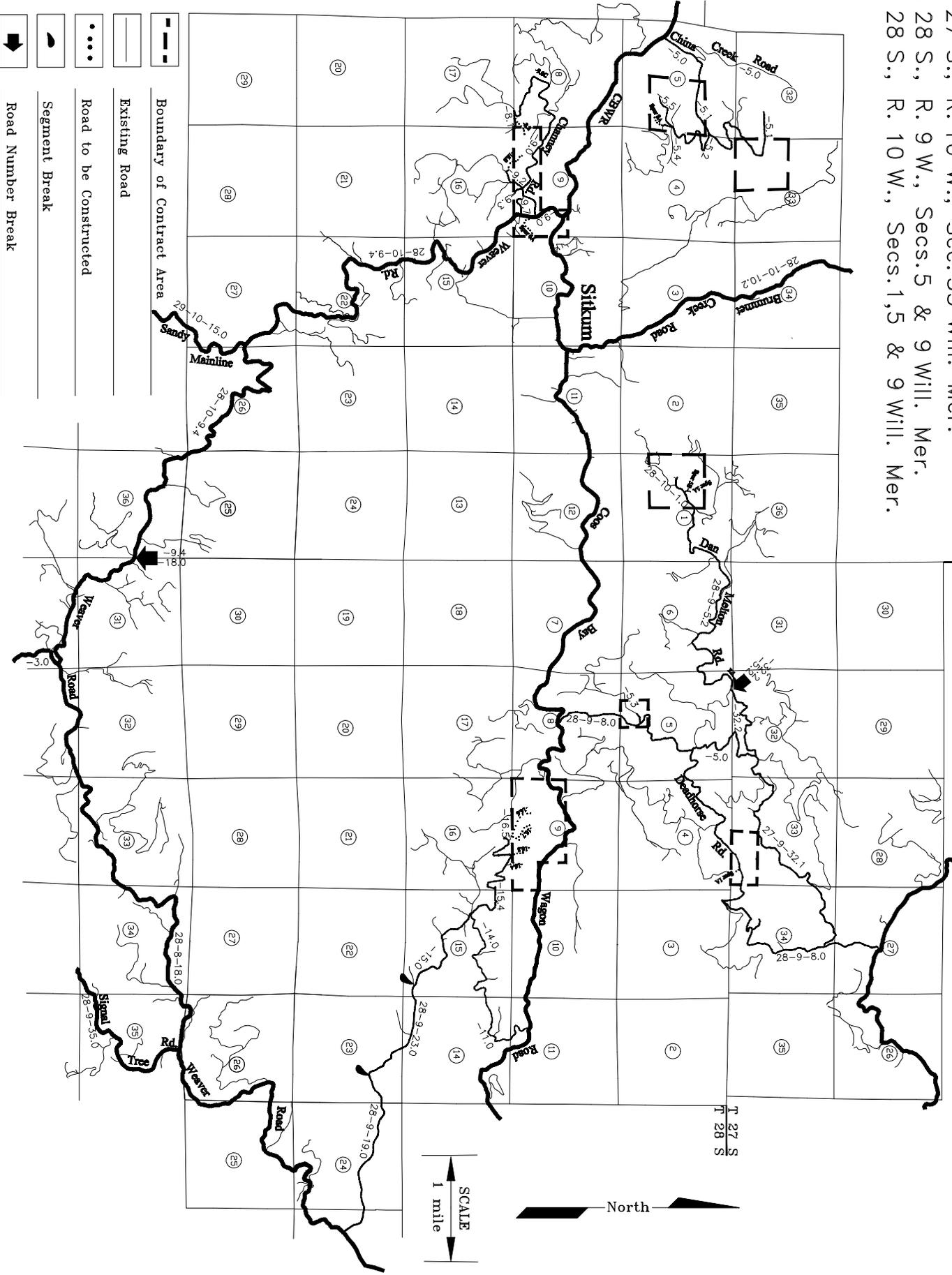
Timber Sale Prospectus Map (Exhibit A. 4 pp)

USDI-BLM COOS BAY DISTRICT

T. 27 S., R. 9 W., Sec. 33 Will. Mer.
 T. 27 S., R. 10 W., Sec. 33 Will. Mer.
 T. 28 S., R. 9 W., Secs. 5 & 9 Will. Mer.
 T. 28 S., R. 10 W., Secs. 1, 5 & 9 Will. Mer.

R 10 W R 9 W

EXHIBIT A-1
 Page 1 of 1
 BROKEN WAGON D

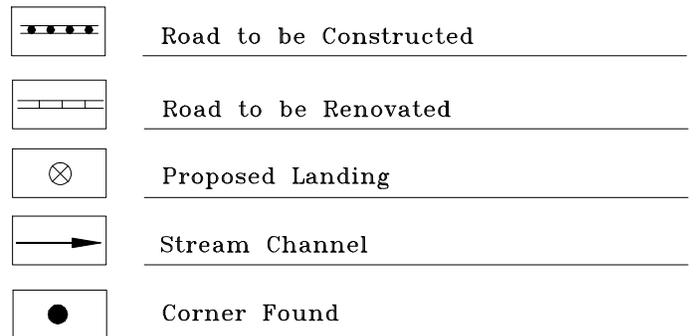
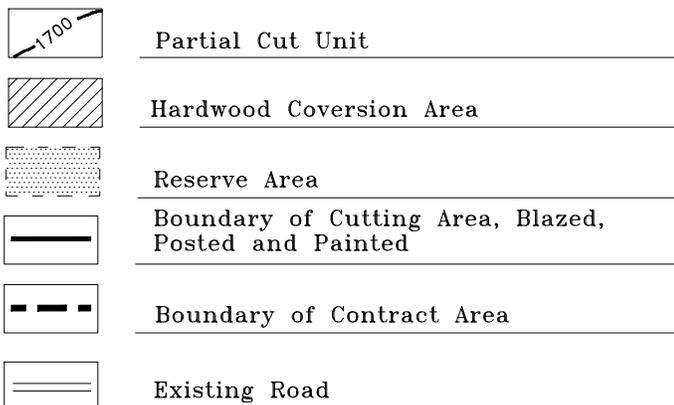
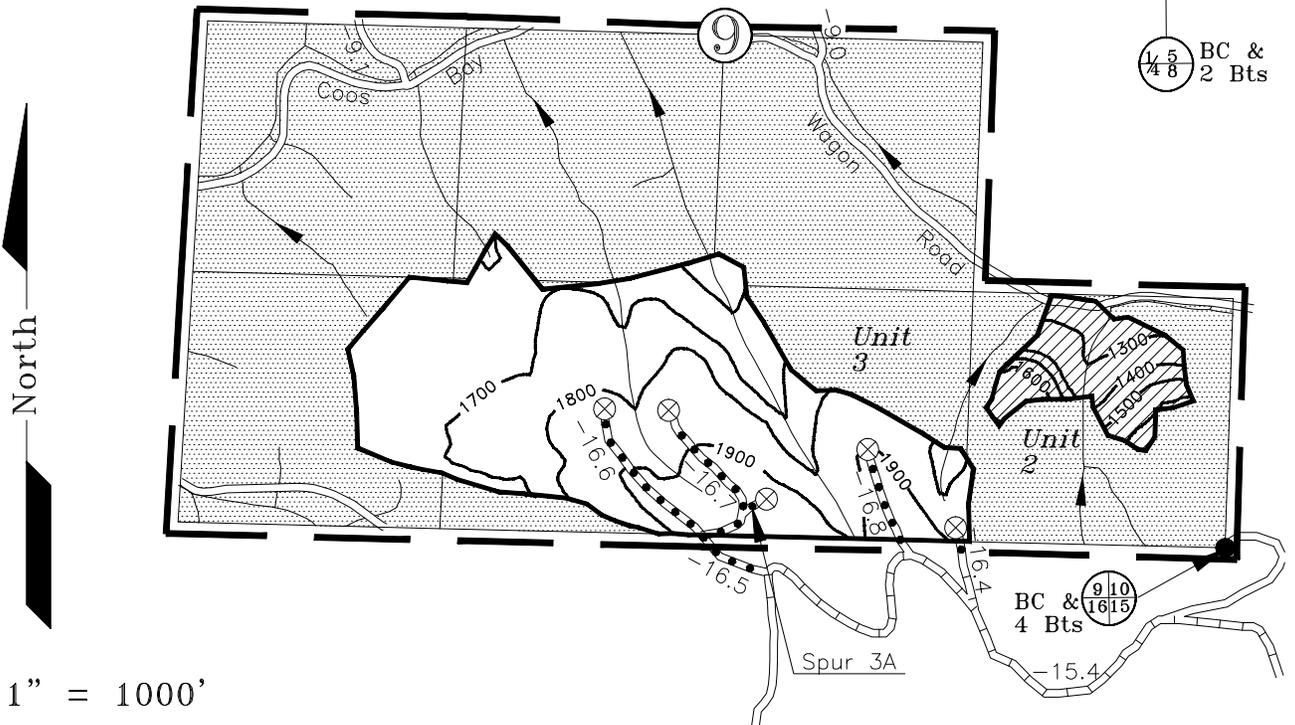
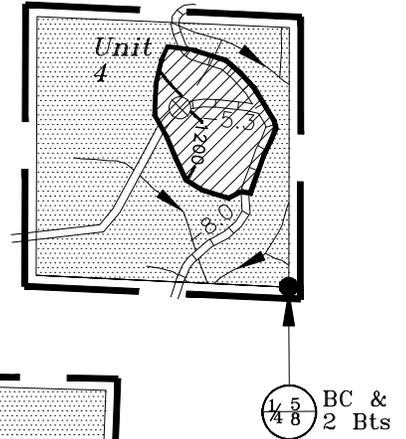
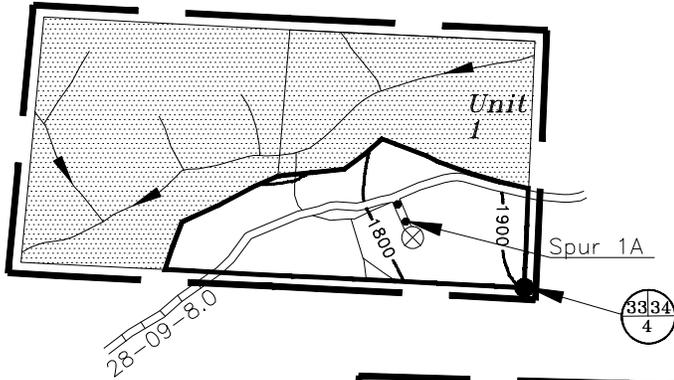


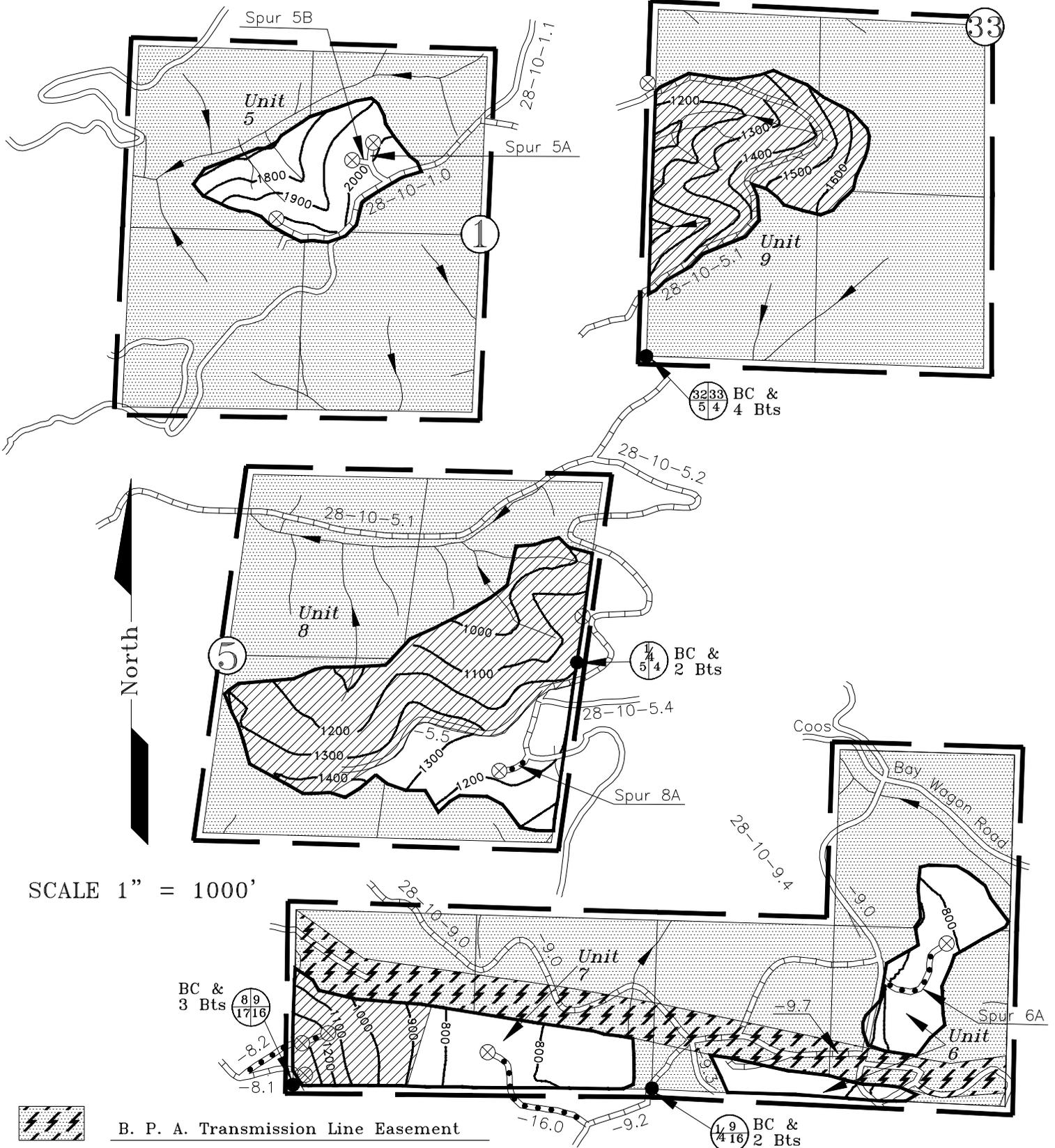
TIMBER SALE CONTRACT MAP
 USDI-BLM COOS BAY DISTRICT
 T. 27 S., R. 9 W., Sec. 33 Will. Mer.
 T. 28 S., R. 9 W., Secs. 5 & 9 Will. Mer.

SALE NO. 07 00
 EXHIBIT A
 Page 1 of 3
 BROKEN WAGON DMT

Total Reserve Area776 ac
 Total Contract Area 1080 ac

Unit 1	.....	22 ac.
Unit 2	.....	11 ac.
Unit 3	.....	76 ac.
Unit 4	.....	7 ac.
Unit 5	.....	22 ac.
Unit 6	.....	21 ac.
Unit 7	.....	33 ac.
Unit 8	.....	73 ac.
Unit 9	.....	39 ac.
Total	.....	304 ac.





SCALE 1" = 1000'

B. P. A. Transmission Line Easement

TIMBER SALE CONTRACT MAP
 USDI-BLM COOS BAY DISTRICT
 T. 27 S., R. 9 W., Sec. 33 Will. Mer.
 T. 27 S., R. 10 W., Sec. 33 Will. Mer.
 T. 28 S., R. 9 W., Secs. 5 & 9 Will. Mer.
 T. 28 S., R. 10 W., Secs. 1, 5 & 9 Will. Mer.

SALE NO. 07-00
 EXHIBIT A
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 BROKEN WAGON DMT

